

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

JANIE READY

v.

LIFE INSURANCE COMPANY OF NORTH
AMERICA

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Case No. 2:12-CV-665-RWS-RSP

MEMORANDUM ORDER

Before the Court three discovery motions in this matter: Sebesta Defendants' Motion to Compel Discovery From Life Insurance Company of North America (Dkt. No. 69); Plaintiff's Motion to Compel Discovery and Disclosures (Dkt. No. 70); and Defendant Life Insurance Company of North America's Amended Motion for Protective Order (Dkt. No. 81). The motions came on for hearing on July 9, 2015, wherein the parties reached some agreements, which were adopted by the Court and are reflected in the record. Unfortunately, the parties were not able to get past entrenched positions on most matters, requiring the Court to rule as set forth below.

Sebesta Defendants' Motion to Compel Discovery From LINA:

With respect to this motion, the Court notes preliminarily that Sebesta is not a beneficiary and its discovery rights are greater than those of an ordinary plaintiff in an ERISA case.

Requests for Production ("RFP") Nos. 1-3 and 16: The parties reached agreement.

RFP Nos. 4-7: The objection is sustained.

RFP No. 8: The objection is overruled but limited to 2010 and 2011 life insurance rates.

RFP Nos. 9-11: The objection is sustained.

RFP No. 12: The objection is overruled.

RFP Nos. 13-15: The objection is sustained, but 14-15 may be pursued through deposition.

RFP Nos. 17-18: LINA represents that all responsive documents have been produced.

RFP No. 19: The objection is sustained.

Interrogatory (“INT”) No. 1: LINA is ordered to supplement its response with the name and position of the individuals requested, but need not provide further information about compensation.

INT Nos. 2-4: The objection is sustained.

INT No. 5: The objection is overruled.

INT No. 6-7: The objection is sustained.

INT No. 8: The objection is overruled.

INT Nos. 9-13: The objection is sustained.

INT Nos. 14-15: The response is adequate.

INT Nos. 16-20: The objection is overruled.

INT Nos. 21-22: The objection is overruled.

With respect to all discovery requests as to which the objections have been overruled or an agreement has been reached to provide additional discovery, LINA is ordered to produce the supplemental discovery to Sebesta within 15 days or such other time as may be agreed upon by the parties in writing.

Plaintiff's Motion to Compel Discovery and Disclosures:

Plaintiff's Motion to Compel is denied except that Plaintiff will be permitted to take the Rule 30(b)(6) deposition of LINA, or participate in one taken by Sebesta, with respect to the

following topics from among those listed in Doc. No. 70-1 (attached to its motion): 2, 3, 16 (relevant to Plaintiff), 17 and 18.

Defendant LINA's Amended Motion for Protective Order:

This motion is granted with respect to the Rule 30(b)(6) deposition by the Plaintiff except to the extent of the deposition allowed above. The motion is granted with respect to the Rule 30(b)(6) deposition by Sebesta as to the following proposed topics on Schedule A of Doc. 81-1: No. 1(c) and (d); No. 2(a) and (b); No. 3(c); No. 5(b)-(d); and No. 6. In other words, LINA is ordered to provide a Rule 30(b)(6) witness properly prepared to testify on the remaining topics. The motion is denied except as expressly provided herein.

SIGNED this 14th day of July, 2015.


ROY S. PAYNE
UNITED STATES MAGISTRATE JUDGE